

CALIFORNIA COASTAL COMMISSION

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Filed: 2/5/2001
49th Day: 3/26/2001
180th Day: 8/4/2001
Staff: CP-LB
Staff Report: 2/27/2001
Hearing Date: March 12, 2001
Commission Action:

**M6b & M7f****STAFF REPORT: DE NOVO & REGULAR CALENDAR**

APPLICATION NUMBER: 5-00-484 **APPEAL NUMBER:** A5-VEN-01-008

APPLICANT: City of Los Angeles Department of Recreation & Parks

AGENT: Kathleen Chan, Project Manager

PROJECT LOCATION: 40 W. Horizon Avenue (on beach), Venice, City of Los Angeles.

PROJECT DESCRIPTION: Demolition of the Damson Oil facility and restoration of the site as a public skating venue, including a skateboard area, roller hockey rink, and realignment of beach bicycle path.

LOCAL APPROVAL: City of Los Angeles Local Coastal Development Permit #2000-3313.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending that the Commission grant a de novo permit (A5-VEN-01-008) and a coastal development permit (5-00-484) for the proposed development with special conditions to protect water quality, marine resources, coastal recreation, and public views and access along the shoreline. The recommended special conditions would require the applicant to develop and implement an oil spill contingency plan and a demolition staging plan to prevent negative impacts to water quality, marine resources and coastal recreation. As proposed, the recreation improvements (bike path realignment, skateboard park and roller hockey rink) would extend approximately two hundred feet further seaward than existing recreational facilities on the beach. The staff recommendation would require the applicant to set the proposed improvements back from the shoreline for increased safety. The recommended setback would also provide a sandy shoreline corridor for improved coastal views and public access along the shoreline. Additionally, a four-foot height limit (except for light standards) is recommended in order to reduce obstructions to public views of the shoreline from Ocean Front Walk. The **motions** to accomplish the recommendation are on **page two**.

The applicant opposes the staff recommendation to set the proposed recreation improvements back from the shoreline because the provision of the setback may require the applicant to eliminate either the proposed skateboard park or the roller hockey rink from the project.

The proposed project is situated on the public beach between the mean high tide line of the Pacific Ocean and the first public road inland of the ocean. Therefore, it is within the coastal zone area of the City of Los Angeles which has been designated in the City's permit program as the "Dual Permit Jurisdiction" area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of the California Code of Regulations, any development located in the Dual Permit Jurisdiction that receives a local coastal development permit from the City must also obtain a permit from the Coastal Commission. The standard of review is the Chapter 3 policies of the Coastal Act.

The City's approval of Local Coastal Development Permit No. 2000-3313 has been appealed to the Commission (Appeal A5-VEN-01-008). In the Substantial Issue portion of the appeal, Commission staff has recommended that the Commission find that a Substantial Issue exists with the City's approval of Local Coastal Development Permit No. 2000-3313. In order to minimize duplication, Commission staff has combined the de novo appeal permit (A5-VEN-01-008) and coastal development permit application (5-00-484) into one staff report and one Commission hearing. However, the Commission's approval, modification or disapproval of the proposed project will require two separate Commission actions: one action for the de novo appeal and one action for the coastal development permit. Staff is recommending that the Commission approve both with identical special conditions and findings. The **motions** to accomplish the recommendation are located on the bottom of this page.

SUBSTANTIVE FILE DOCUMENTS:

1. City of Los Angeles Land Use Plan for Venice (Commission approved 11/14/2000).
2. City of Los Angeles Local Coastal Development Permit No. 2000-3313.
3. City of Los Angeles Mitigated Negative Declaration for the Venice Beach Damson Oil Facility Demolition and Development Project, SCH #2000071012 (CEQA).
4. Plan of Action for the Former Damson Oil Corporation Site, Venice, California, Erler & Kalinowski, Inc., August 2000.
5. Venice Beach Damson Oil Facility View Analysis, Terry A. Hayes Associates, Jan. 2001.
6. Wave Runup Study, Venice Beach Skate Venue, Skelly Engineering, Jan. 2001.
7. Venice Beach Ocean Front Walk Refurbishment Plan, RRM Design Group, Nov. 1995.
8. Coastal Development Permit Waiver E-00-010-W (City of LA/Damson Pipeline Aband.).
9. Coastal Development Permit 5-99-427 (City of LA/Venice Pavilion).
10. Coastal Development Permit 5-96-176 (City of LA/Refurbish OFW) & amendment.
11. Coastal Development Permit 5-83-369 (Damson Oil & City of LA/Revetment).

STAFF RECOMMENDATION:

The staff recommends that the Commission adopt the following resolutions to **APPROVE** the de novo permit and coastal development permit application with special conditions:

MOTIONS

"I move that the Commission approve with special conditions Coastal Development Permit 5-00-484 per the staff recommendation as set forth below."

"I move that the Commission approve with special conditions Coastal Development Permit A5-VEN-01-008 per the staff recommendation as set forth below."

Staff recommends two **YES** votes which would result in the adoption of the following resolutions and findings. An affirmative vote by a majority of the Commissioners present is needed to pass each motion. See page three for the resolutions of approval.

I. Resolution: Approval with Conditions of Coastal Development Permit 5-00-484

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Resolution: Approval with Conditions of De Novo Permit A5-VEN-01-008

The Commission hereby **APPROVES** a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

III. Standard Conditions

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. Special Conditions

1. Oil Spill Contingency Plan

Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a project-specific final oil spill contingency plan, including but not limited to the following provisions:

- a. Emergency oil spill containment and cleanup equipment, including sorbent pads and other appropriate equipment shall be staged onsite during all site preparation, excavation and remediation, and abandonment activities.
- b. The applicant shall provide a comprehensive oil spill notification list in its plan, and will immediately notify the California Department of Fish and Game Office of Spill Prevention and Response (OSPR), Office of Emergency Services (OES), California Regional Water Quality Control Board (RWQCB), and the Coastal Commission and other relevant agencies if any spill occurs.
- c. Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the mean high tide line identified on the project plans dated 7/18/00 (Exhibit #4 of staff report dated 2/27/01). Staging areas shall be designed so oil or hydrocarbon releases or spills can be contained and recovered.

The permittee shall implement the oil spill contingency plan during all demolition and excavation activities in a manner consistent with the oil spill contingency plan approved by the Executive Director.

2. Beach and Recreation Area Closures and Project Staging Areas

Prior to issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a final demolition schedule and detailed plans which identify the specific location of: demolition staging and equipment storage areas, areas where any demolished structures and excavated soils are proposed to be temporarily stockpiled, and the access corridors to the project site. Said plans shall include the follow criteria and limitations specified via written notes on the plan:

- a. In order to reduce adverse impacts to public access and recreation, no demolition or construction associated with the proposed project shall occur during the summer peak beach use period (start of Memorial Day weekend to Labor Day) of any year.
- b. Beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 100 feet of the Damson Oil facility). All beach areas and recreation facilities outside of the 100-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment).

- c. Public access to and along the existing beach bicycle path shall be maintained at all times, except for temporary interruptions (5 minutes or less) for truck crossing. In the event that the bicycle path must be closed for periods longer than five minutes, the City shall submit, for the review and approval of the Executive Director, a pedestrian detour and beach bicycle path detour to bypass the project site during demolition and construction. No sand areas may be paved for any detour. The detour plan approved by the Executive Director shall be implemented prior to closing the existing beach bicycle path.
- d. Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the mean high tide line identified on the project plans dated 7/18/00 (Exhibit #4 of staff report dated 2/27/01). These areas shall be fenced-off to prevent any encroachment of equipment or debris within 100 feet of the mean high tide line.
- e. Truck and heavy equipment access corridors to the project site shall be located in a manner that has the least impact on public access and existing public parking areas. Use of public parking areas for staging/storage areas is not permitted.

The permittee shall undertake development in accordance with the plans and construction schedule approved by the Executive Director pursuant to this condition. Any proposed changes to the approved plans or construction schedule shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

3. Protection of Water Quality

The applicant shall, by acceptance of this coastal development permit, agree that: a) any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible; b) no machinery will be allowed in the intertidal zone at any time; c) all grading and excavation areas shall be properly covered and sand bags and/or ditches shall be used to prevent runoff from leaving the site; and, d) measures to control erosion must be implemented at the end of each day's work.

4. Disposal of Debris

All demolition/construction debris shall be removed from the beach and disposed of outside of the coastal zone in accordance with all local, state and federal regulations.

5. Sand Source

All excavation and movement of beach sand used to backfill the project site after demolition and excavation of polluted soils shall be limited to the Venice Beach area located north of the project site and at least 100 feet inland of the mean high tide line identified on the project plans dated 7/18/00 (Exhibit #4 of staff report dated 2/27/01). No trucks or other equipment are permitted on any portion of the beach located within 100 feet of the mean high tide line.

6. Monitoring Wells

Prior to the installation of the proposed monitoring wells at the site, the applicant shall submit for the review and approval of the Executive Director, a final plan for the proposed monitoring wells which includes the following:

- a. The specific location of each proposed monitoring well.
- b. The design of each proposed monitoring well, including a visual treatment of the wellheads' exterior casings which make them visible for public safety purposes, while also making the wellheads visually subordinate and in character with the seaside landscape. This can be accomplished by designing the exterior casings of the wellheads using a pier-like motif so the wells resemble wooden pilings sticking out of the surrounding beach. Two or three actual wooden pier posts of staggering heights can be installed next to each actual wellhead to add to the visual effect while also providing additional visibility and protection from lifeguard and beach maintenance vehicles. The Executive Director will consider alternative visual treatments that accomplish the same public safety and view protection goals. The height of the monitoring wellheads and their design features shall not exceed a height of four feet above ground surface.
- c. Provisions to remove the monitoring wells from the project site when their useful life has expired. In the event that the monitoring wells have not been removed from the site within three years of installation, the City shall apply to the Commission in the form of a permit amendment to request an extension of the three-year term for the monitoring wells.

The permittee shall undertake development in accordance with the monitoring well plan approved by the Executive Director pursuant to this condition. Any proposed changes to the approved monitoring well plan, or any proposed use of the monitoring wells for uses other than monitoring (i.e., soil remediation efforts) shall be reported to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

7. Revised Plans for Public Skating Venue

Prior to the commencement of construction of the proposed recreational facilities (i.e., beach bicycle path realignment, landscaping, construction of public skating venue) on the project site, the applicant shall submit revised project plans, for the review and approval of the Executive Director, which incorporate the following revisions to the project:

- a. All public recreation facilities (i.e., beach bicycle path and skating facilities) and landscaping shall be set back a minimum distance of 150 feet from the current location of the most seaward perimeter wall of Damson Oil facility (as shown on Exhibit #3, p.2 of the staff report dated 2/27/01). The setback area shall be restored to sandy beach with the exception of the permitted monitoring wells.
- b. The proposed skateboard park, roller hockey rink, bleachers and other new facilities associated with the proposed public skating venue shall not encroach within 150 feet of Ocean Front Walk. The required 150-foot minimum buffer between the proposed public skating venue and Ocean Front Walk shall be maintained in its current form as a landscaped public recreation area.

- c. No structures on the site shall exceed a height of four feet measured from the existing grade of the site, with the exception of light standards for lighting the public recreation facility. The proposed bleachers, ticket booth and roller hockey rink, including the proposed Plexiglas dasher boards, and any other proposed structures shall be redesigned to conform to the four-foot height limit or be deleted from the plan.
- d. A landscaping plan shall be prepared to beautify the site and provide screening for approved structures, but shall not include plants which will obstruct public views of the shoreline from Ocean Front Walk.
- e. The revised plans shall also include a construction schedule and detailed plans which identify the specific location of equipment storage areas and the access corridors to the project site consistent with Special Condition Two of this coastal development permit.

The permittee shall construct and maintain the recreational facilities in a manner consistent with the revised project plans approved by the Executive Director. During the time period between the completion of the first phase of the proposed project (demolition and excavation) and the approval of the revised plans required by this condition, the project site shall be maintained as a sandy beach open and available for use by the general public.

8. Protection of Public Access to Lower Cost Recreational Opportunities

Through the acceptance of this coastal development permit, the City shall agree to operate the project site as a public park available for use on a non-exclusive and Citywide basis to persons and groups of all ethnic backgrounds, regardless of economic status. As such, the City park-operation policy shall allow the project site to be used by groups for organized events and programs in a manner consistent with other regional parks. Fees may be charged for league play as described in the February 2, 2001 City letter (Exhibit #6 of the staff report dated 2/27/01).

9. Conformance with the Requirements of the Resource Agencies

The permittee shall comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations.

10. Assumption of Risk

A) By acceptance of this coastal development permit, the applicant acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) the oil facility abandonment activities and the use of the proposed recreation facilities involve the risk of injury, (iii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards and/or injuries in connection with this permitted development; (iv) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards and/or

injuries; (v) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards or activities; and (vi) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v).

B) Prior to issuance of the coastal development permit, the applicant shall submit a copy of a written agreement by the applicant, in a form and content acceptable to the Executive Director, accepting all of the above terms of subsection A of this condition.

V. Findings and Declarations

The Commission hereby finds and declares:

A. Project Description and History

The City of Los Angeles Department of Recreation and Parks proposes to demolish the abandoned Damson Oil Corporation facility on Venice Beach, and to restore the site as a public skating venue, including a skateboarding area, roller hockey rink, and a realigned portion of the beach bicycle path (See Exhibits).

The existing 1.4-acre oil production facility is located on the sandy beach seaward of Ocean Front Walk and the terminus of Horizon Avenue (Exhibit #2). In 1965, the City of Los Angeles, which owns the beach, had leased the site to private developers for oil production purposes. Eleven oil wells were developed on the site to extract crude oil from 1967 until 1991 when the wells were originally abandoned. An underground oil pipeline was used to transport crude oil from the wells to a refinery located approximately three miles south of the site.¹ From 1991 until the present, the City has used the walled site as an equipment storage area.

The proposed project would be completed in two phases. The first phase, which has been reviewed and approved by the California Regional Water Quality Control Board (RWQCB), involves the demolition and re-abandonment of the remaining oil production facilities on the site and the remediation of polluted soils on the site (Exhibit #7). The demolition project includes the removal of all underground and above ground oil facilities, except for the following: the eleven abandoned oil wells and the bottoms of the oil well vaults, the rip-rap rock revetment buffering the western (seaward) wall of the site (permitted by coastal development permit 5-83-369), and the sheet piling beneath the western (seaward) portion of the perimeter wall. These items are proposed to remain in place on the site. The existing revetment is proposed to be left in place to protect the polluted site from wave erosion.

The portions of the facility that will be demolished and removed from the site include the 12-foot high, 140'x 310' masonry perimeter wall, the pump house structure, the concrete office building, concrete

¹ The oil pipeline was purged, filled with cement, and partially removed in 2000 pursuant to Coastal Development Permit Waiver E-00-010-W (City of L.A.). The removed section of pipeline was the 1,100 feet nearest the Damson site.

retention basin, all concrete pads, all pipelines, and four existing groundwater monitoring wells (Exhibit #3, p.1).

The shallow soil at the site is proposed to be actively remediated by excavating the top one-foot layer of soil and transporting it off-site for disposal or recycling. All soils to a depth of five feet that are known to be impacted by releases of crude oil (smear zones) would also be excavated and disposed of off-site (Exhibit #3, p.2). The total amount of soil to be removed from the site has not yet been determined, but it will be a minimum of 1,300 cubic yards. Additional soils beyond a depth of five feet that are found to be contaminated with crude oil will also be excavated and disposed of off-site. The holes from the excavation are proposed to be back-filled with soil from clean parts of the site, which would leave the entire site about three feet lower than existing grade. Existing grade is +12 feet above mean sea level (MSL). Sand from the adjacent beach would then be used to restore the grade of the site to its current level.

The proposed project also includes the installation of twelve new groundwater and soil vapor wells to monitor the natural attenuation of deeper soils that have been impacted by releases of crude oil (Exhibit #3, p.2). The soil more than five feet deep at the site does contain some traces of crude oil (See RWQCB Letter, Exhibit #7). The City's application materials state that the crude oil is in contact with the groundwater table at a depth of about eleven feet below the surface. The groundwater samples collected at the site, however, do not contain detectable levels of chemicals associated with crude oil. The analysis of soil gas beneath the site indicate strong oxygen depletion and carbon dioxide production suggesting that the crude oil is naturally attenuating through biodegradation. The new monitoring wells will be used to monitor the natural attenuation of the deeper soils and verify whether the quality of the ground water beneath the site is deteriorating. If the rate of crude oil remediation proves to be unsatisfactory to the RWQCB or the City, the City believes that bioremediation of the oil can be enhanced through the addition of nutrients to the groundwater beneath the site.

The second phase of the proposed project, which may or may not occur immediately after the proposed demolition of the oil facility, involves the construction of a 12,000 square foot concrete skateboard park surrounded by a 3-foot high galvanized fence, the construction of a segment of the beach bicycle path through the site, and the construction of a 180'x 85' (15,300 square feet) slab-on-grade roller hockey rink surrounded by seven-foot high dasher boards (Exhibit #4). Spectator bleachers and pole lighting are also proposed within the public skating venue. The proposed bicycle path would be situated immediately inland of the existing rock revetment and the skateboard park would be located immediately inland of the bicycle path (Exhibit #4). The proposed roller hockey rink would be situated between the skateboard park and the existing beach bicycle path. According to the City, approximately 61,000 square feet of beach area is proposed to be paved as part of the proposed project (includes walkways, foundations, bike path and skating venues). All of the proposed development is located landward of the mean high tide line identified on the project plans dated 7/18/00 (Exhibit #4 of staff report dated 2/27/01).

B. Hazardous Substances, Oil Spills, Marine Resources and Water Quality

The proposed project involves the demolition of an oil production facility and the excavation and removal of an undetermined amount of contaminated soil from the beach. The old pipelines and other oil production equipment at the site may contain traces of crude oil or other hazardous substances. Therefore, the proposed project involves the potential for spilling or releasing hazardous materials onto the beach and into coastal waters.

Section 30232 of the Coastal Act states:

Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials. Effective containment and cleanup facilities and procedures shall be provided for accidental spills that do occur.

Pursuant to Section 30232 of the Coastal Act, the Commission routinely requires the provision of an oil spill contingency plan for any development that involves the potential for spilling or releasing hazardous materials onto the beach and into coastal waters. Therefore, Special Condition One of the coastal development permit requires the applicant, prior to issuance of the permit, to develop and submit an oil spill contingency plan for the Executive Director's approval. The permittee shall implement the oil spill contingency plan during all demolition and excavation activities in a manner consistent with the oil spill contingency plan approved by the Executive Director.

Sections 30230 and 30231 of the Coastal Act require that marine resources and the biological productivity of coastal waters be protected and restored.

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The proposed development is located approximately one hundred feet inland of the mean high tide line (Exhibit #2). Although no work is proposed in the water, the potential for oil spills, the use of heavy machinery, and the proposed temporary stockpiling of the demolished facility and polluted soils on the beach represent a potential adverse effect on marine resources and water quality on which biological productivity is dependent. Therefore, mitigation measures are necessary to minimize adverse impacts and to protect the biological productivity of the coastal waters.

As stated above, Special Condition One of the coastal development permit requires the applicant to develop and implement an oil spill contingency plan in case there are any spills. Additional conditions are required in order to provide adequate protection of the marine resources that exist near the site.

First, in order to provide a buffer between the marine environment and the proposed development activities, all staging areas, equipment storage, and stockpiling must be located a minimum of one hundred feet from the mean high tide line identified on the project plans dated 7/18/00 (Exhibit #4 of staff report dated 2/27/01). No machinery shall be allowed in the intertidal zone at any time.

Secondly, any spills of construction equipment fluids or other hazardous materials shall be immediately contained on-site and disposed of in an environmentally safe manner as soon as possible, all grading and excavation areas shall be properly covered and sand bags and/or ditches shall be used to prevent runoff from leaving the site; and, measures to control erosion must be implemented at the end of each day's work.

Finally, all demolition/construction debris shall be removed from the beach and disposed of outside of the coastal zone in accordance with all local, state and federal regulations. These mitigation measures are contained in Special Conditions One through Five of the coastal development permit. Only as conditioned does the Commission find the proposed project to be consistent with the marine resource policies of the Coastal Act.

The prohibition of development activities, including sand excavation, within one hundred feet of the mean high tide line will not only prevent accidental spills and other debris from negatively affecting water quality marine resources, but will also prevent any disturbance of spawning Grunion which have been observed in the intertidal areas of Venice Beach.

Special Condition Nine requires the applicant to comply with all permit requirements and mitigation measures of the California Department of Fish and Game, Regional Water Quality Control Board, U.S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service with respect to preservation and protection of water quality and marine environment. Any change in the approved project which are required by the above-stated agencies shall be submitted to the Executive Director in order to determine if the proposed change shall require a permit amendment pursuant to the requirements of the Coastal Act and the California Code of Regulations. Only as conditioned does the Commission find the proposed project to be consistent with the marine resource and shoreline protection policies of the Coastal Act.

C. Recreation and Public Access

The coastal development permit for the proposed project also includes conditions to protect public access and recreation consistent with the following Coastal Act policies.

Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30213 of the Coastal Act states:

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred.

Section 30220 of the Coastal Act states:

Coastal areas suited for water-oriented recreational activities that cannot readily be provided at inland water areas shall be protected for such uses.

Section 30221 of the Coastal Act states:

Oceanfront land suitable for recreational use shall be protected for recreational use and development unless present and foreseeable future demand for public or commercial recreational activities that could be accommodated on the property is already adequately provided for in the area.

The first phase of the proposed project (demolition and soil excavation), which involves the use of staging areas and heavy machinery, will temporarily disrupt public access and use of this popular coastal recreation area. The equipment proposed to be used during the proposed demolition and excavation includes loader/bulldozers, excavators, a crane and dump trucks.

The proposed project is located on Venice Beach between the high tide line and Ocean Front Walk, the public boardwalk immediately inland of the beach and Venice recreation area. Venice Beach is one of the most visited recreation areas on the coast of California drawing crowds in excess of seven million visitors each year.² This area of Venice Beach, including Ocean Front Walk and the beach bicycle path, provide the public with important coastal access and recreation opportunities. The existing bicycle path is part of the regional bicycle path system which runs from Venice Beach to Santa Monica Beach and is heavily used by pedestrians and bicyclists (Exhibit #3, p.2). These public recreation resources must be protected during the completion of the proposed project.

The peak beach use season runs through the summer from May to September. In order to reduce adverse impacts to public access and recreation, a condition of approval limits all demolition and construction associated with the proposed project to the non-peak summer period which runs from the day after Labor Day until the start of the Memorial Day weekend. The Ocean Front Walk refurbishment (Coastal Development Permit 5-96-176) and Venice Pavilion demolition (Coastal Development Permit 5-99-427) projects were subject to a similar timing restriction. By working during the winter months the proposed project will avoid conflicts with the heavy beach crowds that are attracted to this portion of the state's coastline.

In the winter months, however, the beach and boardwalk areas are still used by many visitors. Therefore, the permit is conditioned to minimize the area of beach that is closed during the completion of the proposed project. Beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area. All beach areas and recreation facilities outside of a 100-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment). In the event that the existing beach bicycle path is closed, a pedestrian detour and beach bicycle path detour shall be provided to bypass the project site during demolition and construction. No sand areas shall be paved for any detour. A specific bicycle path detour plan shall be submitted to the Executive Director for approval prior to closing the existing beach bicycle path.

² Los Angeles County Dept. of Beaches & Harbors, 1993.

Additionally, there will be a minimum of two hundred truckloads of demolished structures and polluted soils leaving the site. As proposed by the applicant, all demolished and excavated materials will be disposed of outside of the coastal zone (Exhibit #6). The applicant expects the proposed demolition and soil excavation activities to be completed within a four-week time period. During this time, there will be some limitations to public access around the project site. However, the completion of the proposed demolition and abandonment project will return to public use over one acre of shoreline recreation area which has been closed to public use since 1965.

In order to reduce the temporary negative impacts to public access and recreation the permit is conditioned (Special Condition Two) as follows:

- In order to reduce adverse impacts to public access and recreation, no demolition or construction associated with the proposed project shall occur during the summer peak beach use period (start of Memorial Day weekend to Labor Day) of any year.
- Beach and recreation area closures shall be minimized and limited to areas immediately adjacent to the project area (within 100 feet of the Damson Oil facility). All beach areas and recreation facilities outside of the 100-foot radius shall remain open and available for public use during the normal operating hours (unless they are closed pursuant to a Commission approved coastal development permit or permit amendment).
- Public access to and along the existing beach bicycle path shall be maintained at all times, except for temporary interruptions (5 minutes or less) for truck crossing. In the event that the bicycle path must be closed for periods longer than five minutes, the City shall submit, for the review and approval of the Executive Director, a pedestrian detour and beach bicycle path detour to bypass the project site during demolition and construction. No sand areas shall be paved for any detour. The detour plan approved by the Executive Director shall be implemented prior to closing the existing beach bicycle path.
- Staging areas, equipment and materials storage areas, and soil stockpiles shall be located at least 100 feet from the mean high tide line identified on the project plans dated 7/18/00 (Exhibit #4 of staff report dated 2/27/01). These areas shall be fenced-off to prevent any encroachment of equipment or debris within 100 feet from the mean high tide line.
- Truck and heavy equipment access corridors to the project site shall be located in a manner that has the least impact on public access and existing public parking areas. Use of public parking areas for staging/storage areas is not permitted.

Special Condition Five protects sandy beach area for public recreation by permitting the applicant to use sand (for backfilling holes from excavation) only from the wide sandy beach area located immediately north of the project site (Exhibit #2). This wide sandy beach area can provide the approximately 1,300 cubic yards of sand that will be needed to backfill the holes created by the excavation of polluted soils from the abandoned oil facility. No sand may be taken from the area within one hundred feet of the mean high tide line.

The long-term benefits of the removal of the oil facility offset the temporary reduction in beach use by restoring a large shoreline area of to public use. As conditioned, the impacts of the proposed removal of

the oil facility on public access and recreation have been mitigated. Therefore, the Commission finds that the first phase of the proposed project, as conditioned, is consistent with the public access and recreation policies of the Coastal Act.

Proposed Public Skating Venue

The second phase of the proposed project involves the improvement of the project site with public recreational facilities after the completion of the demolition and abandonment portion of the project. The applicant proposes to construct a realigned portion of the beach bicycle path and a 12,000 square foot concrete skateboard park surrounded by a 3-foot high galvanized fence on the portion of the project site located immediately inland of the existing rock revetment (Exhibit #4). The City proposes to leave the existing revetment in place to protect the site from erosion.

On the portion of the site situated between the existing beach bicycle route and the proposed skateboard park, the applicant proposes to construct a 180'x 85' (15,300 square feet) slab-on-grade roller hockey rink surrounded by seven-foot high dasher boards (Exhibit #4). Spectator bleachers and pole lighting are also proposed as part of the roller hockey rink, which would be donated by the Los Angeles Kings professional hockey organization of the National Hockey League (Exhibit #4). According to the City's application, approximately 61,000 square feet of beach area is proposed to be paved as part of the proposed project (includes walkways, foundations, bike path and skating venues). All of the proposed development is located landward of the mean high tide line identified on the project plans dated 7/18/00 (Exhibit #4 of staff report dated 2/27/01).

The proposed bicycle path realignment and the public skating venue are types of lower cost recreational facilities which are encouraged by Section 30213 of the Coastal Act. The City Department of Recreation and Parks would manage the proposed facility as a public park. Public access and use of the proposed recreational facilities would be free, except for organized league play which would involve a fee (See City Letter, Exhibit #6). No commercial uses are proposed.

The issue of whether is the proposed skating venue is a public recreational facility or a commercial operation is an important Coastal Act issue. Section 30213 of the Coastal Act requires that lower cost visitor and recreational facilities shall be protected. Section 30221 of the Coastal Act requires that oceanfront land suitable for recreational use shall be protected for recreational use. Section 30210 of the Coastal Act requires that maximum access and recreational opportunities shall be provided for all the people. Any type of exclusionary rules or management practices could cause the proposed skating venue to be inconsistent with the public access and recreation policies of the Coastal Act.

Therefore, in order to ensure that the approval of the proposed project will protect lower cost recreational opportunities and provide maximum access for all the people as required by the Coastal Act, a condition of approval requires that the City shall agree to operate the project site as a public park available for use on a non-exclusive and Citywide basis to persons and groups of all ethnic backgrounds, regardless of economic status. As such, the City park-operation policy shall allow the project site to be used by groups for organized events and programs in a manner consistent with other regional parks. Fees may be charged for league play as described in the City's letter dated February 2, 2001 (Exhibit #6). A similar condition was applied to the adjacent Venice Beach Recreation Area pursuant to the Commission's approval of the Venice Pavilion demolition (Coastal Development Permit 5-99-427). Only as conditioned is the proposed project and permit consistent with the public access and recreation policies of the Coastal Act.

Siting of Recreational Facilities on the Beach

While the proposed bicycle path realignment and the public skating venue are types of lower cost recreational facilities that are encouraged by Section 30213 of the Coastal Act, the proposed location of these facilities on the public beach and in a potentially hazardous coastal area must be carefully considered due to the potential negative impacts on coastal-dependant recreation and other coastal resources.

The proposed 61,000 square feet of concrete for the public skating venue would be situated immediately adjacent to and within a hazardous coastal area that is subject to wave erosion, flooding and tsunamis. The proposed occupation of such a large beach area by non-coastal dependant recreational uses, and its potentially hazardous situation, is a substantial public recreation issue.

The recreation facilities would be constructed on the project site which is located immediately inland of an existing rock revetment (Exhibit #4). The City proposes to leave the existing revetment in place to protect the site from erosion. The revetment was permitted and constructed in 1983 to protect the oil facility from wave damage

A wave runup study prepared for the proposed project states that significant storm wave action has and will erode the beach back to the revetment, which is in good condition and does not need maintenance at this time ³(Exhibit #8). The runup study also states that waves, in extreme events and conditions, could overtop the revetment and flood the site and the proposed improvements. The frequency of the extreme events and conditions necessary to overtop the revetment is estimated to be once every one hundred years.

For public access and coastal recreation purposes, the proposed recreational facilities should be set back an adequate distance from the shoreline to provide for a sandy corridor, during all seasons, between the high water line and any new man-made improvements on the beach. Currently, there is approximately a one hundred-foot wide corridor that exists on the shoreline between the high tide line and the existing rock revetment (Exhibit #4). This sandy corridor has been reduced to nothing during past storm events. During such events, there remains no dry sand on the shoreline for lateral access as the entire beach inland of the rock revetment is occupied by the Damson Oil facility and public park improvements.

Therefore, the proposed project provides the opportunity to provide a wider sandy area adjacent to the shoreline for public access and recreation. The applicant proposes to use the entirety of the potential restored sandy area for other public recreation uses that require a concrete foundation (i.e., bike path and skating venue). The project site provides adequate area for a restored sandy beach corridor and for public skating and bicycle facilities. In order to provide a wider sandy beach for access and public recreation, the permit is conditioned to require the applicant to submit revised plans that set back all the proposed public recreation facilities (i.e., beach bicycle path and skating facilities) and landscaping a minimum distance of 150 feet from the current location of the most seaward perimeter wall of Damson Oil facility (where the existing revetment is located). The setback area shall be restored to sandy beach with the exception of permitted monitoring wells.

³ Wave Runup Study, Venice Beach Skate Venue, Skelly Engineering, January 2001 (Exhibit #8).

The required 150-foot setback from the existing revetment would allow the proposed recreation improvements to encroach seaward of Ocean Front Walk a distance that is consistent with the existing pattern of development on Venice Beach while providing the public with a wider sandy corridor along the shoreline for access and recreation (Exhibit #2). The existing Venice Beach Recreation Area includes a beach bicycle path, skate dance area, landscaped park, playgrounds, paddle tennis courts, muscle beach weight lifting facility, and basketball courts (Exhibit #4). These existing public recreational facilities extend up to four hundred feet seaward of Ocean Front Walk on the public beach. None of the existing recreational facilities reach as far seaward as the proposed improvements, which would extend across the beach approximately six hundred feet from the boardwalk.

Therefore, the required 150-foot setback from the current location of the most seaward perimeter wall of the Damson Oil facility (where the existing revetment is located) would bring the proposed development on the beach into consistency with the existing pattern of recreational development that exists on the beach. The required setback would also provide the public with a restored sandy beach area near the shoreline that can be used as a lateral shoreline access corridor when the beach erodes to the base of the existing revetment. The public safety and visual resource benefits that would result from a 150-foot setback are discussed in the following sections of this staff report. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with Sections 30210, 30213, 30220 and 30221 of the Coastal Act.

D. Visual Resources

The proposed demolition of the Damson Oil facility will restore visual quality to the Venice Beach area, consistent with Section 30251 of the Coastal Act, by removing the existing walled-off industrial facility from the Venice Beach public recreation area.

Section 30251 of the Coastal Act states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

The existing twelve-foot high perimeter wall that encloses the entire oil facility is proposed to be demolished (Exhibit #10). The perimeter wall, which measures 140'x 310', blocks significant public views of the shoreline from Ocean Front Walk and the adjacent public recreation areas. The perimeter wall is a prominent manmade feature that is visible from both upcoast (Santa Monica) and downcoast beaches (Venice Pier) due to its lengthy seaward extension. The proposed removal of the wall and oil facility from the beach will open up significant coastal views from the surrounding coastal area consistent with Section 30251 of the Coastal Act.

Subsequent to the proposed demolition of the oil facility, the applicant proposes install twelve new groundwater and soil vapor wells to monitor the natural attenuation of deeper soils that have been impacted by releases of crude oil (Exhibit #3, p.2). Each monitoring well is proposed to extend thirty feet

below the surface, with each wellhead reaching two feet above ground surface (Exhibit #9). As required by Section 30251 of the Coastal Act, the placement of the proposed well structures on the public beach shall be done in a manner that is protective of views to and along the shoreline. The proposed wellheads shall also be visually compatible with the character of surrounding area.

Therefore, Special Condition Six requires the applicant to submit a final plan for the monitoring wells. The required plan shall include the specific location of each proposed monitoring well and visual treatment for each well to reduce the wellheads' negative effect on visual resources. The exterior casings of each well shall be treated to make them visible for public safety purposes, while also making the wellheads visually subordinate and in character with the seaside landscape. This can be accomplished by designing the exterior casings of the wellheads using a pier-like motif so the wells resemble wooden pilings sticking out of the surrounding beach. Two or three actual wooden pier posts of staggering heights can be installed next to each actual wellhead to add to the visual effect while also providing additional visibility and protection from lifeguard and beach maintenance vehicles. The Executive Director will consider alternative visual treatments that accomplish the same public safety and view protection goals. The height of the monitoring wellheads and their design features shall not exceed a height of four feet above ground surface.

The required plan shall also include provisions to remove the monitoring wells from the project site when their useful life has expired. In the event that the monitoring wells have not been removed from the site within three years of installation, the City shall apply to the Commission in the form of a permit amendment to request an extension of the three-year term for the monitoring wells. Only as conditioned can the proposed installation of the monitoring wells on the beach be found to be in conformance with Section 30251 of the Coastal Act.

Proposed Public Skating Venue

While the first phase of the proposed project (demolition of the oil facility) would substantially improve coastal views, the proposed construction of a roller hockey rink with seven-foot dasher boards on the beach area situated seaward of Ocean Front Walk would negatively affect the public's view of the shoreline. The proposed roller hockey rink would actually extend along a longer length of the beach and boardwalk than the walls of the existing oil facility (Exhibit #4). Spectator bleachers and a proposed ticket booth would further obstruct the public's restored views of the coast. The applicant proposes to reduce the proposed roller rink's negative effects on views through the site by using Plexiglas for the upper three feet of the seven-foot high dasher boards.

The applicant has submitted a view analysis of the proposed project which concludes that the proposed project, in its entirety, would create a greater sense of openness along the beach.⁴ It is the removal of the perimeter wall and the oil facility, however, that would provide the greater sense of openness along the beach by restoring formerly blocked views of the shoreline. While it is correct that the proposed public skating venue would block substantially less of the view area from Ocean Front Walk than does the Damson Oil facility, the proposed skating venue would block a substantial portion of the public view that would be restored with the removal of the oil facility.

The view analysis of the proposed project shows that the proposed bleachers and dasher boards for the roller rink would be visible as one looks toward the shoreline from Ocean Front Walk and the existing

⁴ Venice Beach Damson Oil Facility View Analysis, Terry A. Hayes Associates, January 2001.

beach bicycle path, both of which are located inland of the project site (Exhibit #4). The visible portion of the proposed development would block the public's view of the shoreline and would not be consistent with Section 30251 of the Coastal Act which requires that views of the shoreline be protected. Therefore, as proposed, the public skating venue would have a negative effect on the scenic and visual qualities of Venice Beach.

The public's view of the shoreline from Ocean Front Walk and the beach bicycle path, once restored with the proposed demolition of the oil facility, should be protected from excessively high new development that would eliminate or obstruct such views. Public views to the shoreline from Ocean Front Walk (segment between Horizon Avenue and 24th Avenue) are relatively rare in Venice due to the significant amount of recreational facilities that currently occupy the area between the water and the boardwalk. A person may walk a mile along the boardwalk with just a few glimpses of the water because, due to the very nature of Venice, the beach has been developed with a diverse array of recreational facilities, including: beach bicycle path, skate dance area, landscaped park, playgrounds, paddle tennis courts, basketball courts, bleachers, muscle beach weight lifting facility, lifeguard facilities, public parking lots and public restrooms. While these facilities support public recreation at the beach, they also provide a barrier between the Venice Boardwalk and the water.

The proposed project's negative effects on coastal views can be mitigated by reducing the height of the proposed development. Therefore, the approval of the permit includes four-foot limit on the height of the proposed recreation improvements (Special Condition Seven). The proposed light standards would be exempted from the height limit because they would not obstruct a significant amount of the view. As proposed, the bicycle path realignment and the skateboard park do not exceed a height of three feet above ground surface. The proposed ticket booth, bleachers and roller rink dasher boards would have to conform to the four-foot height limit or be eliminated from the project. The use of Plexiglas for the proposed seven-foot high dasher boards would not mitigate any negative impacts to public views due to the tendency of see-through materials to become opaque in a short period of time when exposed to blowing beach sand, which is a common occurrence at the beach. As conditioned to limit development to a height of four feet or less, the proposed project will restore and enhance the visual quality of Venice Beach consistent with the requirements of Section 30251 of the Coastal Act.

In addition, the required 150-foot setback (from the existing revetment) for all recreation improvements would provide the public with a wider sandy corridor near the water for improved public access and views along the shoreline. The protection of the existing landscaped park area between the site and Ocean Front Walk will also maintain the existing visual quality of the boardwalk area. A landscaping plan, also required by Special Condition Seven, will provide screening for the approved structures, but shall not include plants which would obstruct views of the shoreline from Ocean Front Walk. Numerous palms exist in the project area and do not obstruct views of the shoreline from Ocean Front Walk. Only as conditioned does the proposed project conform to the requirements of Section 30251 of the Coastal Act.

E. Hazards

The Coastal Act states that new development must minimize risks to life and property and not create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Section 30253 of the Coastal Act states, in part:

New development shall:

- (1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.
- (2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Developments located in or near the ocean have the potential for damage caused by storms and wave energy. The proposed project is located on the beach within one hundred feet of the current mean high tide line and is especially susceptible to wave damage. No development in or near the water can be guaranteed to be safe from hazard.

The proposed recreation facilities would be constructed on the project site which is located immediately inland of an existing rock revetment (Exhibit #4). The City proposes to leave the existing revetment in place to protect the site from erosion. The revetment was permitted and constructed in 1983 to protect the oil facility from waves. A wave runup study prepared for the proposed project states that significant storm wave action has and will erode the beach back to the revetment, which is in good condition and does not need maintenance at this time (Exhibit #8). The runup study also states that waves, in extreme events and conditions, could overtop the revetment and flood the site and the proposed improvements. The frequency of the extreme events and conditions necessary to overtop the revetment is estimated to be once every one hundred years.

Section 30253 of the Coastal Act requires that new development shall minimize risks to life and property in areas of high geologic and flood hazard. Therefore, in order to minimize the risk to the proposed public skating venue and the public, the proposed recreational facilities shall be set back an adequate distance from the shoreline to provide for a sandy corridor, during all seasons, between the high water line and any new man-made improvements on the beach. Currently, there is approximately a one hundred-foot wide corridor that exists on the shoreline between the high tide line and the existing rock revetment. This sandy corridor has been reduced to nothing during past storm events. During such events, there remains no dry sand on the shoreline for lateral access as the entire beach inland of the rock revetment is occupied by the Damson Oil facility and public park improvements. With the proposed removal of the Damson Oil facility, the shoreline area available for sandy beach for will much greater and will allow for a safety buffer to be provided between the shoreline and any new development.

Therefore, for public safety, public access and coastal recreation, and for the protection of visual resources, the permit is conditioned to require that all the proposed recreational facilities be set back a minimum distance of 150 feet from the current location of the most seaward perimeter wall of the Damson Oil facility (where the existing revetment is located). The setback area, to be restored as public sandy beach, will minimize risks to life and property as required by Section 30253 of the Coastal Act.

The Commission routinely imposes conditions for assumption of risk in areas at high risk from hazards. The condition ensures that the applicant understand and assume the potential hazards associated with development in or near the water. In 1990, the Commission imposed such a condition on Coastal Development Permit 5-90-490 (City of Huntington Beach) for the new Huntington Beach Pier. In 1995,

the Commission imposed a similar condition on Coastal Development Permit 5-94-100 (Pointe Design) for a new pier in Avalon. In 1999, the Commission imposed such a condition on Coastal Development Permit 5-98-156 (City of Long Beach) for the Queensway Bay Development.

Therefore, by acceptance of this coastal development permit, the permittee acknowledges and agrees: (i) that the site may be subject to hazards from seismic events, liquefaction, storms, waves, floods and erosion; (ii) the oil facility abandonment activities and the use of the proposed recreation facilities involve the risk of injury, (iii) to assume the risks to the permittee and the property that is the subject of this permit of injury and damage from such hazards and/or injuries in connection with this permitted development; (iv) to unconditionally waive any claim of damage or liability against the Commission, its officers, agents, and employees for injury or damage from such hazards and/or injuries; (v) to indemnify and hold harmless the Commission, its officers, agents, and employees with respect to the Commission's approval of the project against any and all liability, claims, demands, damages, costs (including costs and fees incurred in defense of such claims), expenses, and amounts paid in settlement arising from any injury or damage due to such hazards or activities; and (vi) to agree to include a provision in any subsequent sublease or assignment of the development authorized by this permit requiring the sublessee or assignee to submit a written agreement to the Commission, for the review and approval of the Executive Director, incorporating all of the foregoing restrictions identified in (i) through (v). Only as conditioned is the proposed project is consistent with Section 30253 of the Coastal Act.

F. Local Coastal Program

Section 30604(a) of the Coastal Act provides that the Commission shall issue a coastal development permit only if the project will not prejudice the ability of the local government having jurisdiction to prepare a Local Coastal Program (LCP) which conforms with Chapter 3 policies of the Coastal Act.

Section 30604(a) of the Coastal Act States:

Prior to certification of the Local Coastal Program, a coastal development permit shall be issued if the issuing agency, or the commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200). A denial of a coastal development permit on grounds it would prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3 (commencing with Section 30200) shall be accompanied by a specific finding which sets forth the basis for such conclusion.

The City of Los Angeles does not have a certified Local Coastal Program for the Venice area. The Los Angeles City Council adopted a proposed Land Use Plan (LUP) for Venice on October 29, 1999. On November 29, 1999, the City submitted the draft Venice LUP for Commission certification. On November 14, 2000, the Commission approved the City of Los Angeles Land Use Plan (LUP) for Venice with suggested modifications. The City is currently preparing to accept the Commission's suggested modifications and submit the modified LUP for certification by the Commission.

The proposed project, as conditioned, conforms with the Commission-approved Venice LUP. The proposed project, as conditioned, is also consistent with the Chapter 3 policies of the Coastal Act. Therefore, the Commission finds that approval of the proposed development, as conditioned, will not prejudice the City's ability to prepare a Local Coastal Program consistent with the policies of Chapter 3 of the Coastal Act, as required by Section 30604(a).

G. California Environmental Quality Act (CEQA)

Section 13096 Title 14 of the California Code of Regulations requires Commission approval of a coastal development permit application to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

A feasible alternative has been identified that would reduce the proposed project's adverse effects on the environment. The feasible alternative includes the proposed demolition of the abandoned oil facility, with special conditions to mitigate the potential adverse effects of the proposed demolition and excavation, and a revised second phase of the project (restoration and improvement of the site for public recreational use). The feasible alternative requires the applicant to set the proposed recreational facilities back at least 150 feet from the existing rock revetment in order to reduce the proposed project's negative impacts to public access, coastal recreation and public views of the shoreline. A 150-foot setback would also minimize the risks to life and property from waves and flooding, and provide the public with additional sandy beach area for coastal access and recreation. The 150-foot minimum setback requirement is a feasible alternative and is a condition of approval (Special Condition Seven).

Therefore, the proposed project, as conditioned, has been found consistent with the Chapter 3 policies of the Coastal Act. All adverse impacts have been minimized by the recommended conditions of approval and there are no additional feasible alternatives or additional feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.